REMARKS

Reconsideration is respectfully requested in view of the above amendments and following remarks.

35 U.S.C. § 102(b) and 103(a) - Dundas

Claims 1-4 and 29 stand rejected under 35 U.S.C. §102(b) as being anticipated by, or under 35 U.S.C. §103(a) as obvious over, U.S. Patent No. 5,068,075 Dundas et al. ("Dundas"). Applicants submit that this rejection is now moot since they have inserted the subject matter of claim 5 into claim 1. Withdrawal is respectfully requested.

35 U.S.C. 103(a) - Dundas

Claims 5-8 stand rejected under 35 U.S.C. §103(a) as obvious over Dundas. Claim 9 has been inserted into claim 1. Therefore, this rejection is now moot. Withdrawal is respectfully requested.

35 U.S.C. §103(a) - Dundas in view of Nohara or Suzuki

Claims 9-12 stand rejected under 35 U.S.C. §103(a) as obvious over Dundas in view of U.S. Patent No. 3,882,259 Nohara et al. ("Nohara") or U.S. Patent No. 4,079,850 Suzuki et al. ("Suzuki"). Given the amendment to claim 1 to include the subject matter of claim 9, applicants respond with respect to amended claim 1.

Applicant respectfully traverses the rejection for the reason that none of the cited documents teach or suggest the claimed second cooling means comprises a means for discharging a cold gas under pressure and at a temperature of less than about 20°C into the inner cavity of the parison during the inflation of the molded parison. Further, Dundas is directed to single-layer bottles, and Nohara and Suzuki fail to teach the bottle structures prepared by the process of the invention and, in fact, lead away from those structures. That is, Dundas fails to teach or suggest the process of the invention and, in particular, doesn't teach of suggest the step of obtaining the multilayer container by inflating the molded parison into a blow molded structure while simultaneously cooling the blow molded structure to a temperature below about 22°C by applying a first cooling means to the outside of the blow molded structure and a second cooling means to the inside of the blow molded structure, wherein the second cooling means comprises a means for discharging a cold gas under pressure and at a temperature of less than about 20°C into the inner cavity of the parison during the inflation of the molded parison. Further, Dundas is directed to single-layer bottles. Both Nohara and Suzuki fail to teach blowing step of the invention, particularly discharging a cold gas under pressure and at a temperature of less than about 20°C into the inner cavity of the parison during the inflation of the

molded parison. Further, Nohara and Suzuki fail to teach the bottle structures prepared by the process of the invention and, in fact, lead away from those structures. Therefore, withdrawal of this rejection under 35 U.S.C. §103(a) is respectfully requested.

The present invention is related to an improved extrusion blow molding process for manufacturing a thick-walled, multilayer container having a wall with a transparent outer layer formed of a polymer selected from the group consisting of: copolymers of ethylene and alpha, beta-unsaturated carboxylic acids; and derivatives of copolymers of ethylene and alpha, beta-unsaturated carboxylic acids. The invention is based on the discovery that during the process of extrusion blow molding, rapid cooling of the polymer melts promotes transparency and that relatively slow cooling promotes a hazy appearance in the resulting polymeric walls (see page 12, lines 5-15 of the specification).

A conventional extrusion blow molding process for manufacturing a container having a multi-layer thermoplastic polymeric wall includes the steps of (1) heating and co-extruding the polymers to obtain polymer melts; (2) passing the polymer melts through a blow molding die to form a tubular parison; (3) depositing the parison into an open mold; and (4) closing and pinching off the parison; and (5) inflating the parison into a blow molded structure (i.e., a container or bottle or an inflated parison), while cooling the blow molded structure from the outside surface by providing a cooled mold. In order to obtain a container having a relatively thick transparent outer wall, the present inventor has made a number of modifications and improvements to arrive at the presently claimed process. One very important feature is that during the inflation step, a "second cooling means" is provided to cool the blow molded structure from the inside. The second cooling means comprises a means for discharging a cold gas under pressure and at a temperature of less than about 20°C into the inner cavity of the parison during the inflation of the molded parison.

Dundas is related to a method of manufacturing a sealed aseptic bottle wherein the pressure of the gas in the interior of the bottle when sealed is sub-atmospheric to prevent distortion of the bottle. The Examiner states that a "second cooling means" for cooling the inside of the blow molded structure is also taught by Dundas. However, the "second cooling means" referenced is different from the one recited in the present invention. For example, at column 1, lines 40-47, Dundas teaches that after the parison is inflated with pressurized gas, the pressure of the blow air is maintained for a sufficient time to cool and then the blow air is vented to the exterior of the bottle, wherein the residual air in the bottle is expansion-cooled. In other words, while the "second cooling means" recited by the present claims

discharges pressurized cold gas into the parison cavity during inflation, the "second cooling means" used in Dundas refers to the venting of pressurized gas out of the bottle, i.e., the blow molded structure, post inflation. Moreover, because the "second cooling means" is applied during inflation in the present invention, together with the "first cooling means" provided by the cold mold, it allows the polymeric wall of the blow molded structure to be cooled rapidly, thereby obtaining a container with a transparent polymeric wall. In Dundas, however, because the "second cooling means" is a result of the venting of pressurized air out of the bottle post inflation, it would not facilitate or improve the rapid cooling of the polymeric wall as efficiently as does the presently claimed "second cooling means".

Applicant points out that at page 5 of the Action, the Action asserts that using cooled gas is a matter of routine optimization and would be obvious over Dundas by itself. To cool the air is not a trivial step as implied by the Action. The reason is that it requires use of cooling means and adds additional effort and expense to the process. Dundas contains teachings that would lead the person of ordinary skill in the art away from incurring the effort and expense of cooling the air used to inflate the bottle. In addition, as will be discussed with respect to the secondary references asserted to teach use of cool air for this purpose in the other rejections, there is no teaching in any of the documents cited in any of the rejections that would lead the person of ordinary skill in the art to take the step of cooling the air as in the claimed invention.

Concerning this point, please note that Dundas teaches that the air is added via conventional methods and that cooling is carried out by use of water being circulated through manifolds in the mold. Column 2, lines 39-53, state:

> "Mold half 16 carries a blow needle 24 which may be extended into the blow dome cavity. The needle is connected to a source of sterile blow air 25 through an appropriate valving system. A drive moves the needle back and forth between a retracted position shown in FIG. 1 and an extended position in which the needle tip is located within the blow cavity dome. Each mold half 14, 16 carries a sealing blade 26, 28 movable into the seal neck cavity 22 by drive means, not illustrated, for closing the seal neck of the blown bottle as shown in FIG. 3. Mold halves 14 and 16 are provided with water cooling manifolds (not illustrated). Water at a temperature of about 40 to 50 degrees F. circulates through the manifolds and maintains the mold halves at a cool temperature."

Similar teachings are column 4, line 53 – column 5, line 2:

> "After the mold halves are closed the retracted blow pin 24 is extended into the blow dome cavity formed by recesses 20 and punctures the hollow confined hot parison. Sterile blow air at a pressure of approximately 80 lbs. per square inch is flowed through the needle and into the parison to inflate the parison against the blow dome, seal neck and bottle cavities to form a body

> having a single interior [v]olume filled with pressurized, sterile flow air. The blow air holds the plastic in intimate contact with the walls of the mold halves to cool the plastic. The entire outer surface or skin of the bottle is cooled below the set temperature and hardens. Some skin portions may be cooled below ambient temperature. The plastic inside the skin is hotter than the skin. The inner plastic in the thinwall portions of the bottle may be set. The inner plastic in the thick bottom remains at a temperature above the set temperature and is soft."

Further, Dundas teaches that the blow air is heated to about 200 – 250°F during the process and that venting and blowing of pressurized air is used in cooling, and this teaching would lead the person of ordinary skill in the art away from cooling the air in order to carry out the process. This can be seen from the paragraph at column 5, lines 3-18:

> "During cooling of the bottle plastic in the mold the blow air is heated to about 200 to 250 degrees F. Following cooling and setting of the bottle skin the blow needle 24 is withdrawn to allow the confined pressurized and hot blow air to vent quickly to atmosphere through relatively large cross section bore 27, exhaust passage 50, the low restriction passages of venturi 52 and exhaust line 54. At the same time valve 60 is opened and a large volume of pressurized air flows through the venturi 52. The air may be at an initial pressure of about 80 psi. This flow does not restrict venting of the pressurized blow air. The rapid flow of pressurized blow air out of the bottle interior 48 reduces the pressure in the interior of the bottle thereby expanding and cooling the remaining blow air in the bottle to a low temperature believed to be below ambient temperature."

Thus, it can be seen that Dundas, if anything, leads the person of ordinary skill in the art away from incurring the effort and expense of cooling the air as in the claimed invention.

The Action correctly recognizes that Dundas does not teach a bottle comprising the composition of the bottles made according to the invention. Applicant point out that not only does Dundas fail to teach the polymers used, but Dundas also fails to teach a bottle having the claimed structure.

Concerning this point, the invention comprises a process for forming a bottle having an outer layer formed of the first polymer melt, at least one inner layer formed of the second polymer melt, and an inner cavity. This can be seen from the preamble which recites:

> "A process for manufacturing a multilayer container having a transparent outer layer comprising a first thermoplastic polymer that is transparent in the solid state and at least one inner layer comprising a second thermoplastic polymer, said process comprising the steps of:"

It can also be seen from step 2, which recites:

"(2) passing the co-extruded polymer melts through a blow molding die to form a multilayer parison having;"

The first thermoplastic polymer, used in the outer layer, is a polymer selected from the group consisting of: copolymers of ethylene and alpha, beta-unsaturated carboxylic acids; and derivatives of copolymers of ethylene and alpha, beta-unsaturated carboxylic acids.

Nohara and Suzuki are cited as teaching the use of the resins of the invention and that it would be obvious to use them in making the bottles of the invention. Applicants point out, however, that the Action fails to establish a *prima facie* case of obviousness since nowhere do any of the cited documents teach or suggest use of the claimed second cooling means. Further, neither Nohara nor Suzuki teach a container of the type made according to the claimed process, so that the person of ordinary skill in the art would be led to modify Dundas to arrive at the claimed invention.

Nohara is *not* properly cited against the claims. As can be seen from its Abstract, Nohara discloses a container which "comprises an intermediate layer composed of an ethylene-vinyl alcohol copolymer and two outer layers bonded to the opposite sides of the intermediate layer, each of the outer layer being composed of polyolefins." Applicants submit that since Nohara is teaching an outer and inner layer of polyolefin, Nohara isn't teaching the container layers of the claimed process and thus is not a proper secondary reference.

Suzuki refers to using customary or known blow molding techniques. (See, e.g., Abstract and column 10, lines 10-13.) Thus, Suzuki does not teach or suggest the use of the second cooling means comprises a means for discharging a cold gas under pressure and at a temperature of less than about 20°C into the inner cavity of the parison during the inflation of the molded parison. Since Suzuki and all of the other cited documents fail to teach this step, a prima facie case of obviousness has not be presented and the rejection should be withdrawn.

Further, Suzuki is focused on different bottle structures than those of the invention. Suzuki prefers to use a polyolefin on the outside or outermost layer. (Column 5, lines 3-4.) In addition, while Suzuki does mention various combinations of polymers and the possibility of using two-layer structures, Suzuki is primarily focused on three-layer structures. In this regard, please consider the disclosure at column 4, line 49-column 5, line 51, particularly the teachings concerning polyolefin being preferred as the outermost layer and the teaching of a preference for ionomer

or polymers containing ionomer to be used in three-layer structures of polyolefin/blend or ionomer/polyolefin. In this regard, column 5, lines 41-51, state:

> "Examples of preferred combinations of polymers to be formed into multi-layer structures suitable for attaining the objects of this invention include saponified ethylene-vinyl acetate copolymer/polyolefin, polyamide/polyolefin, polyolefin/saponified ethylene-vinyl acetate copolymer/polyolefin, polyolefin/blend of saponified ethylene-vinyl acetate copolymer and polyolefin/polyolefin, polyolefin/polyvinylidene/polyolefin, polyolefin/polyamide/polyolefin, polyolefin/acrylic acid ester-acrylnitrile copolymer/polyolefin, polyolefin/ionomer/polyolefin, etc."

Moreover, the examples of Suzuki are all three layer structures with a polyolefin on the outermost and innermost layer, with another polymer in-between. Here are the structures shown:

Example	Outer Layer	Intermediate Layer	Inner Layer	Description
1	Low density polyethylene	Saponified ethylene-vinyl acetate copolymer mixed with 10 parts by weigh of ionomer	Low density polyethylene	Column 9
2	Low density polyethylene	Saponified ethylene-vinyl acetate copolymer mixed with 10 parts by weigh of ionomer	Low density polyethylene	Column 10, lines 40-59
2	Low density polyethylene	Saponified ethylene-vinyl acetate	Low density polyethylene	Column 10, lines 60-69
2	Isotactic polypropylene	Saponified ethylene-vinyl acetate copolymer mixed with 10 parts by weigh of ionomer	Isotactic polypropylene	Column 11, lines 1-13
2	Low density polyethylene	Nylon-6	Low density polyethylene	Column 11, lines 14-23

Thus, Suzuki fails to teach or suggest the bottle structure prepared by the claimed process, and leads away from that structure.

In summary, Dundas fails to teach or suggest the process of the invention and, in particular, doesn't teach of suggest the step of obtaining the multilayer container by inflating the molded parison into a blow molded structure while simultaneously cooling the blow molded structure to a temperature below about 22°C by applying a first cooling means to the outside of the blow molded structure and a second cooling means to the inside of the blow molded structure, wherein the second cooling means

comprises a means for discharging a cold gas under pressure and at a temperature of less than about 20°C into the inner cavity of the parison during the inflation of the molded parison. Further, Dundas is directed to single-layer bottles. Both Nohara and Suzuki fail to teach blowing step of the invention, particularly discharging a cold gas under pressure and at a temperature of less than about 20°C into the inner cavity of the parison during the inflation of the molded parison. Further, Nohara and Suzuki fail to teach the bottle structures prepared by the process of the invention and, in fact, lead away from those structures. Therefore, withdrawal of this rejection under 35 U.S.C. §103(a) is respectfully requested.

35 U.S.C. §103(a) - Dundas in view of Nohara or Suzuki and Sugawara

Claim 12 stands rejected under 35 U.S.C. §103(a) as obvious over Dundas, in view of Nohara or Suzuki, and further in view of U.S. Patent No. 6,303,071 Sugawara et al. ("Sugawara").

Claim 12 is directed to the process of Claim 11 wherein in step (4), the parison is pinched off by a dual pinching means and the pinched point is flat or tapered at least slightly toward the inner cavity of the blow molded structure. Claim 11 is directed to the process of Claim 1 wherein the first thermoplastic polymer is an ionomer that is a derivative of a copolymer of ethylene and an alpha, beta-unsaturated carboxylic acid.

The Action discusses Dundas not explicitly teach an active step of roughening the surface of the mold, and cites Sugawara as teaching an analogous method where the mold inner surface is embossed or roughened to produce a desired feature, and therefore rendering the subject matter of claim 12 obvious. Applicant does not believe that this rejection was intended to apply to this claims and requests clarification.

Further, Sugawara is focused on preparing single layer blow molded products of crystalline resins, and mentions use of polyolefins, polyamides, polyesters and polyacetals (see, e.g., column 3, line 58 et seq.), and does not teach or suggest how to carry out the claimed process.

In any event, applicants traverse for the reasons presented above with respect to Dundas in view of Nohara or Suzuki.

35 U.S.C. §103(a) - Dundas in view Sugawara

Claim 29 stands rejected under 35 U.S.C. §103(a) as unpatentable over Dundas in view of Sugawara. Applicants submit that this rejection is moot in view of the amendment of claim 1 to include the subject matter of claims 5 and 9, since the rejections based upon Dundas alone were only directed to claims 1-8. In addition, applicants traverse for the reasons presented above in discussing Dundas.

35 U.S.C. §103(a) - Suzuki in view of Bose

Claims 1-12 and 29 stand rejected under 35 U.S.C. §103(a) as obvious over Suzuki in view of U.S. Patent No. 3,789,093 Bose.

As discussed above, the invention is focused on providing a suitable method for producing transparent thick-walled bottles having an outer layer of a polymer selected from the group consisting of: copolymers of ethylene and alpha, beta-unsaturated carboxylic acids; and derivatives of copolymers of ethylene and alpha, beta-unsaturated carboxylic acids, and which produce a glass-like appearance.

Suzuki is cited as teaching the use of the resins of the invention and that it would be obvious to use them in making the bottles of the invention. Applicants point out, however, that the Action fails to establish a *prima facie* case of obviousness since nowhere do any of the cited documents teach or suggest use of the claimed second cooling means. Further, Suzuki does not teach a bottle of the type made according to the claimed process, so that the person of ordinary skill in the art would be led to modify Dundas to arrive at the claimed invention.

Suzuki refers to using customary or known blow molding techniques. (See, e.g., Abstract and column 10, lines 10-13.) Thus, Suzuki does not teach or suggest the use of the second cooling means comprises a means for discharging a cold gas under pressure and at a temperature of less than about 20°C into the inner cavity of the parison during the inflation of the molded parison. Since Suzuki and all of the other cited documents fail to teach this step, a *prima facie* case of obviousness has not be presented and the rejection should be withdrawn.

Further, Suzuki is focused on different bottle structures than those of the invention. Suzuki prefers to use a polyolefin on the outside or outermost layer. (Column 5, lines 3-4.) In addition, while Suzuki does mention various combinations of polymers and the possibility of using two-layer structures, Suzuki is primarily focused on three-layer structures. In this regard, please consider the disclosure at column 4, line 49-column 5, line 51, particularly the teachings concerning polyolefin being preferred as the outermost layer and the teaching of a preference for ionomer or polymers containing ionomer to be used in three-layer structures of polyolefin/blend or ionomer/polyolefin. In this regard, column 5, lines 41-51, state:

> "Examples of preferred combinations of polymers to be formed into multi-layer structures suitable for attaining the objects of this invention include saponified ethylene-vinyl acetate copolymer/polyolefin, polyamide/polyolefin, polyolefin/saponified ethylene-vinyl acetate copolymer/polyolefin, polyolefin/blend of saponified ethylene-vinyl acetate copolymer and polyolefin/polyolefin, polyolefin/polyvinylidene/polyolefin, polyolefin/polyamide/polyolefin, polyolefin/acrylic acid ester-acrylnitrile copolymer/polyolefin, polyolefin/ionomer/polyolefin, etc."

Moreover, the examples of Suzuki are all three layer structures with a polyolefin on the outermost and innermost layer, with another polymer in-between. Here are the structures shown:

Example	Outer Layer	Intermediate Layer	Inner Layer	Description
1	Low density polyethylene	Saponified ethylene-vinyl acetate copolymer mixed with 10 parts by weigh of ionomer	Low density polyethylene	Column 9
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2	Isotactic polypropylene	Saponified ethylene-vinyl acetate copolymer mixed with 10 parts by weigh of ionomer	Isotactic polypropylene	Column 11, lines 1-13
2	Low density polyethylene	Nylon-6	Low density polyethylene	Column 11, lines 14-23

Thus, Suzuki fails to teach or suggest the bottle structure prepared by the claimed process, and leads away from that structure.

Bose is primarily focused on a method of accelerating the molding cycle by blanketing the mold area with dry carbon dioxide gas or vapor. Bose is focused on keeping the dew point of the vapor trapped in the mold between the plastic part and the surfaces of the mold cavity at a temperature above the dew point in order to reduce water marks that result in an orange skin. (See, e.g., column 1, lines 21-26 and column 3, lines 45-49.

Bose is very confusing concerning what it discloses concerning cooling. For instance, at the top of column 4 it refers to the common use of liquid carbon dioxide as an internal coolant or to use of carbon dioxide vapor as a blowing medium in place of air. (US 3,065,501 and 3,661,483 are cited at column 4 of Bose, and are submitted herewith.) If Bose is read to cover liquid carbon dioxide as the coolant it does not read on the claimed invention since the claimed invention is using a gas a coolant.

However, at column 2, lines 56-68, Bose describes the temperature of the carbon dioxide reaching the molding machine being at ambient temperature. Specifically, Bose states:

> "It is desired that the temperature of the carbon dioxide vapor which is emitted from the tubes 37 and 38 be substantially the same as ambient temperature, and under normal circumstances this is the case inasmuch as the tank 48 is located outside of the building at a substantial distance from the molding machine 10 whereby the CO_2 gas flowing through the line 46 is at about ambient temperature when it reaches the molding machine. If necessary, however, auxiliary heating means (not shown) may be used or the line 46 may extend in proximity to the high temperature portions of the machine."

Thus, if these portions of Bose are considered applicable, then Bose does not teach use of the cooling process of the claimed invention.

In summary, Suzuki does not teach or suggest the process of making bottles of the invention as it fails to teach make bottles of the type made according to the claimed process and fails to teach cooling as claimed. Bose also fails to teach making bottles of the invention as it fails to teach make bottles of the type made according to the claimed process and fails to teach cooling as claimed. Thus, it is submitted that a *prima facie* case of obviousness has not been presented and withdrawal of this rejection is respectfully requested.

35 U.S.C. §103(a) - Suzuki in view of Bose and Sugawara

Claim 29 stands rejected under 35 U.S.C. §103(a) as obvious over Suzuki in view of Bose and further in view of Sugawara (pages 20-21). The Examiner cites Sugawara as teaching that the inner surface of the mold may be embossed/roughened and therefore renders the subject matter of claim 29 obvious. Applicants traverse for the reasons presented above with respect to the rejection based upon Suzuki in view of Bose, and may present additional comments later on if either of the rejections is maintained.

35 U.S.C. §103(a) - Suzuki in view of Bose and Ryder

Claims 31 and 32 stand rejected under 35 U.S.C. §103(a) as obvious over Suzuki in view of Bose and further in view of Ryder (US 4,091,059).

Applicants traverse this rejection for the same reasons presented with respect to the rejection of Claims 1-12 and 29 under 35 U.S.C. §103(a) as obvious over Suzuki in view of U.S. Patent No. 3,789,093 Bose. Applicants traverse for the reasons presented above with respect to the rejection based upon Suzuki in view of Bose, and may present additional comments later on if either of the rejections is maintained.

35 U.S.C. §103(a) - Suzuki in view of Bose and Weschsler

Claims 31 - 35 stand rejected under 35 U.S.C. §103(a) as obvious over Suzuki in view of Bose and further in view of Weschsler (US 3,114,596).

Applicants traverse this rejection for the same reasons presented with respect to the rejection of Claims 1-12 and 29 under 35 U.S.C. §103(a) as obvious over Suzuki in view of U.S. Patent No. 3,789,093 Bose. Applicants traverse for the reasons presented above with respect to the rejection based upon Suzuki in view of Bose, and may present additional comments later on if either of the rejections is maintained.

Amendments to the Claims

In order to expedite prosecution, applicants have amended the claims to focus the invention. Applicants are considering filing continuation and/or divisional applications directed to products and processes, including process claims based on previously cancelled subject matter and process claims that focus on polymers not presently included in the claims.

Claim 1 has been amended to describe the second cooling means as in claims 4 and 5. Claim 4 has been amended accordingly and claim 5 has been cancelled.

Claim 1 has been amended to include the subject matter of claim 9. Accordingly, Claim 10 has been amended to depend from claim 1. In addition, claim 9 has been amended to focus on the first thermoplastic polymer being a polymer selected from the group consisting of: copolymers of ethylene and alpha, beta-unsaturated carboxylic acids; and derivatives of copolymers of ethylene and alpha, beta-unsaturated carboxylic acids.

Claim 1 has been amended to recite that the thickness of the outer layer of the multilayer container is about 1.0 mm to about 5 mm as supported at page 8, lines 2-4.

New claims 36-39, 50 and 53 are supported in the paragraph bridging pages 9-10 of the specification.

New claims 40-41 are supported at page 16, lines 10-16.

Claim 42 is supported at page 6, lines 24-28.

Claims 43-44 are supported at page 8, lines 2-12.

Claim 47 is supported at page 13, lines 2-4.

Claim 2 is cancelled and is replaced with claim 48.

Claim 49, 51 and 52 find support in the places listed above with corresponding subject matter.

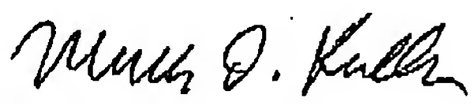
Claim 54 is supported at page 17, lines 17-18.

Entry and consideration are respectfully requested.

Should any fee be required to obtain consideration of the amended claims, please charge the appropriate fee to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company.)

In view of the foregoing amendments and remarks, Applicant respectfully requests all the rejections listed in the July 27, 2006 Office Action be withdrawn and the application be passed to issue. Should this reply be incomplete, or should the Examiner have any questions, comments or suggestions concerning this application, the Examiner is invited to telephone the undersigned at the below-listed direct dial telephone number in order to expedite prosecution.

Respectfully submitted,



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